

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 3rd day of  
February, 2004.

In the Matter of a Study of Voice over     )  
Internet Protocol.                                 )

**Case No. TW-2004-0324**

**ORDER ESTABLISHING CASE**

The Federal Communications Commission (FCC) has indicated that it will soon issue a Notice of Proposed Rulemaking concerning Voice over Internet Protocol (VoIP) technology. VoIP technology is a relatively new technology and there are indications that VoIP related services may be on the verge of being mass-marketed to the general public. It is expected that the FCC's rulemaking will have an impact on telecommunications service in Missouri. The Commission will open this case to further its knowledge of VoIP technology and to assist in its preparation of comments to the FCC. The Commission's jurisdiction, supervision, powers, and duties extend to all telecommunications facilities, telecommunications services, and to all telecommunications companies for telecommunications service between one point and another within the state. Section 386.250(2), RSMo 2000. The Commission shall have the general supervision of all telephone corporations and shall have power to and shall examine them not only with respect to the adequacy afforded by their service, but also with respect to their compliance with all provisions of law. Section 386.320, RSMo 2000.

The Commission is aware that the U.S. District Court for the District of Minnesota held that the broadband IP telephony provided by Vonage Holdings Corporation is an information service and therefore not subject to state regulation. The opening of this case should not be read as indicating a Commission opinion for or against the lawfulness of state regulation of VoIP telephony.

To ensure extensive dissemination of this order, the Commission will direct the Data Center to send a copy of this order to every certificated local exchange company and every certificated interexchange carrier in the State of Missouri. In addition, the Commission will direct the Information Office to send a copy of this order to all members of the General Assembly and to all newspapers in the State of Missouri as listed in the Newspaper Directory of the *Official Manual of the State of Missouri*.

The Commission recognizes the creation of this case as an instance where the Commission is exercising its quasi-legislative powers to establish working groups and to inquire into policy matters. This is not a contested case scenario which requires the participants to be represented by licensed attorneys. Therefore, the Commission will designate this case as a “TW” indicating a telephone working-group case. Any entity interested in participating in this docket shall file a “Notice of Participation.” At the conclusion of the period for registration of interested participants, the Commission will publish a list of all active participants to this case for the purpose of providing service of documents on all participants. Although this is not a contested case, the participants to this case shall be expected to provide copies of all filings and documents in this case to every other participant to this case. Because the FCC is expected to issue its NPRM in the near future, the Commission will direct its Staff to expeditiously proceed with this case.

**IT IS THEREFORE ORDERED:**

1. That this case is established to study Voice over Internet telephony.
2. That notice of this order shall be issued by the Information Office and the Data Center as set out herein.
3. That any interested participant shall file its notice of participation in this case not later than February 10, 2004. Every such notice shall list the participant's name, address, telephone number, FAX number, and e-mail address.
4. That the Telecommunications Department (Staff) shall schedule and facilitate a workshop, and shall provide a minimum of ten days notice to all participants. The Staff and other participants may suggest topics for the workshop's agenda. The parties are encouraged to address specific topics related to VoIP technology; however, the Commission will permit the parties to address other topics that may be tangential to VoIP technology, such as the use of Virtual NXX codes. If needed, the Staff may conduct further workshops as it deems necessary in order to gather sufficient information.
5. That the participants shall prepare a report by March 15, 2004. The Staff shall assume principal responsibility for drafting the report. In its report, the participants should be prepared to discuss the different ways VoIP technology is used in the marketplace, and what, if any, significance widespread deployment of VoIP technology may have on telecommunications service in Missouri. The parties should also address to what extent, if any, VoIP technologies may uniquely affect Missouri. The Commission encourages all participants to work with the Staff to develop the report. The Commission also encourages the Staff to afford opportunity to all potential divergent viewpoints regarding VoIP technology and related issues.

6. That the Staff shall schedule and facilitate a roundtable and shall provide a minimum of ten days notice to all participants. The Staff and other participants may suggest topics for the roundtable's agenda.

7. That the Staff shall provide monthly status reports beginning one month after the effective date of this order concerning progress in this case and also concerning related developments at the FCC.

8. That the Staff shall maintain information regarding this case on the Commission's website.

9. That this order shall become effective on February 3, 2004.

**BY THE COMMISSION**

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Gaw, Ch., Murray, and  
Clayton, CC., concur.

Jones, Regulatory Law Judge